

May 16, 2003

Mr. Don R. Knowles  
Senior Advisor to the Assistant Administrator  
National Marine Fisheries Service - 14<sup>th</sup> Floor  
1315 East-West Highway  
Silver Spring, MD 20910

Dear Mr. Knowles,

The Office of Pesticide Programs (OPP), U. S. Environmental Protection Agency (EPA), respectfully requests the initiation of Endangered Species Act (ESA) section 7(a)(2) formal consultation. This consultation request addresses 11 Evolutionarily Significant Units (ESUs) of Pacific salmon and steelhead that have been listed as Federally endangered or threatened and one pesticide registered by EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for uses within the range of the listed ESUs. The pesticide subject to this request contains the active ingredient acrolein for its registered use as an aquatic herbicide in irrigation supply canals. It is also registered as a fumigant rodenticide, and as a microbiocide in cooling towers, paper mills, and oil drilling operations; these additional uses will have no effect on salmon or steelhead. Our long-term intent is to make effects determinations and consult, as appropriate, relative to all listed species and locations. However, as per agreement with the National Marine Fisheries Service, this request is limited to Pacific salmon and steelhead for which NMFS has responsibility (see enclosure).

OPP has determined that the aquatic herbicide use of acrolein may affect, but is not likely to adversely affect, six salmon and steelhead ESUs, but there will be no effect on five salmon and steelhead uses where acrolein is not used.<sup>1</sup>

The 11 salmon and steelhead ESUs subject to this request occur throughout California and southern Oregon watersheds, except the Colorado River, that drain into the Pacific Ocean. The primary threats for these ESUs have been the continued development of the western states

---

<sup>1</sup> See Memorandum, with attached analysis, from Larry Turner, Ph.D. and William Erickson, Ph.D., Environmental Field Branch, OPP, EPA, to Arthur-Jean B. Williams, Chief, Environmental Field Branch, OPP, EPA, May 15, 2003 (attached).

for a variety of human-related activities, including residential and commercial development, agriculture, and forestry, along with genetic swamping of certain ESUs by unrelated hatchery stocks. These activities have resulted in barriers to upstream and downstream migration, loss of available water, reduced water quality, physical modification of aquatic and riparian habitat. Excessive harvesting may also have played a role in their decline. Listing of these salmon and steelhead ESUs has sensitized the public to the need to provide protection. Even before listing, the unrestricted use of acrolein was recognized as a fish hazard. As a result, there have been a number of limitations developed for acrolein labels, including restricted use classification, specialized training, and limitations on discharge of treated waters to remove the potential risks. OPP has concluded that these measures are sufficient to expect adverse effects to be unlikely or none and we are therefore not recommending additional protective measures.

We look forward to working with NMFS to protect and help recover listed species. If you have any questions, please feel free to call me at (703) 305-5239, or your staff may contact my Senior Scientist, Dr. Larry Turner at (703) 305-5007.

Enclosure

Sincerely,

//s//

Arthur-Jean B. Williams, Chief  
Environmental Field Branch (7506C)

cc: Craig Johnson